

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/01/2015

IN RE PLATINUM AND PALLADIUM
ANTITRUST LITIGATION

Lead Case No. 14-cv-9391

Hon. Gregory H. Woods

STIPULATION AND ~~PROPOSED~~ AMENDED BRIEFING SCHEDULE

Plaintiffs and Defendants BASF Metals Limited, Goldman Sachs International, HSBC Bank USA, N.A., ICBC Standard Bank plc, UBS AG, UBS Securities LLC, and The London Platinum and Palladium Fixing Company, Ltd. (“LPPFC”), respectfully request that the Court enter the parties’ stipulation below extending the briefing schedule in the event that Plaintiffs amend their complaint in response to Defendants’ motions to dismiss.

WHEREAS, Plaintiffs filed their First Consolidated Amended Class Action Complaint (“FAC”) on April 21, 2015, and Defendants filed motions to dismiss on June 22, 2015;

WHEREAS, Defendant LPPFC will file its motion to dismiss on July 15, 2015;

WHEREAS, Case Management Order No. 1 entered on March 20, 2015 contemplated that Plaintiffs may exercise their right to amend under Federal Rule of Civil Procedure 15(a)(1)(B) and this Court’s Individual Rule of Practice in Civil Cases 3.D in response to Defendants’ motions to dismiss;

WHEREAS, Case Management Order No. 1 ordered that the parties submit a proposed amended briefing schedule for the Court’s consideration and approval in the event that Plaintiffs amended their complaint in response to Defendants’ motions to dismiss;

WHEREAS, the parties wish to proceed with all Defendants on the same schedule for briefing motions to dismiss;

NOW THEREFORE, the parties, through their undersigned counsel, stipulate and agree to the following:

1. Plaintiffs have until **July 27, 2015** to amend the FAC.
2. Defendants shall then answer, file new motions to dismiss, or inform the Court by letter that they choose to rely on their previously filed motions to dismiss no later than **September 21, 2015**. Plaintiffs shall file oppositions to any motions to dismiss no later than **November 16, 2015**. Defendants shall file reply briefs no later than **December 11, 2015**.
3. If Plaintiffs do not amend then the schedule entered on March 20, 2015 shall remain in place, with Plaintiffs filing oppositions to all motions to dismiss no later than **August 24, 2015** and Defendants' reply briefs due by **September 28, 2015**.

Dated: June 30, 2015



Merrill G. Davidoff
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
(215) 875-3000 (phone)
(215) 875-4604
mdavidoff@bm.com

Gregory S. Asciolla
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
(212) 907-0700 (phone)
(212) 818-0477 (fax)
gasciolla@labaton.com

*Interim Co-Lead Counsel
for the Proposed Class*

Stephen Ehrenberg
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10005
Tel: (212) 558-4000
Fax: (212) 558-3588
ehrenbergs@sullcrom.com

*Liaison Counsel for All Defendants and
Attorneys for Defendant
Goldman Sachs International*

NOW THEREFORE, the parties, through their undersigned counsel, stipulate and agree to the following:

1. Plaintiffs have until **July 27, 2015** to amend the FAC.
2. Defendants shall then answer, file new motions to dismiss, or inform the Court by letter that they choose to rely on their previously filed motions to dismiss no later than **September 21, 2015**. Plaintiffs shall file oppositions to any motions to dismiss no later than **November 16, 2015**. Defendants shall file reply briefs no later than **December 11, 2015**.
3. If Plaintiffs do not amend then the schedule entered on March 20, 2015 shall remain in place, with Plaintiffs filing oppositions to all motions to dismiss no later than **August 24, 2015** and Defendants' reply briefs due by **September 28, 2015**.

Dated: June 30, 2015

Merrill G. Davidoff
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
(215) 875-3000 (phone)
(215) 875-4604
mdavidoff@bm.com

Gregory S. Asciolla
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
(212) 907-0700 (phone)
(212) 818-0477 (fax)
gasciolla@labaton.com

*Interim Co-Lead Counsel
for the Proposed Class*



Stephen Ehrenberg
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10005
Tel: (212) 558-4000
Fax: (212) 558-3588
ehrenbergs@sullcrom.com

*Attorneys for Defendant
Goldman Sachs International*



Joseph Serino, Jr., P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-4913
Fax: (212) 446-6460
jserino@kirkland.com

*Attorneys for Defendant
BASF Metals Limited*

Michael Lacovara
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 277-4000
Fax: (212) 277-4001
michael.lacovara@freshfields.com

*Attorneys for Defendant
HSBC Bank USA, N.A.*

Robert G. Houck
CLIFFORD CHANCE US, LLP
31 West 52nd Street
New York, NY 10019
Tel: (212)-878-3224
Fax: (212)-878-8375
robert.houck@cliffordchance.com

*Attorneys for Defendant
ICBC Standard Bank Plc*

Joseph Serino, Jr., P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-4913
Fax: (212) 446-6460
jserino@kirkland.com

*Attorneys for Defendant
BASF Metals Limited*

Michael Lacovara/Sae

Michael Lacovara
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 277-4000
Fax: (212) 277-4001
michael.lacovara@freshfields.com

*Attorneys for Defendant
HSBC Bank USA, N.A.*

Robert G. Houck
CLIFFORD CHANCE US, LLP
31 West 52nd Street
New York, NY 10019
Tel: (212)-878-3224
Fax: (212)-878-8375
robert.houck@cliffordchance.com

*Attorneys for Defendant
ICBC Standard Bank Plc*

Joseph Serino, Jr., P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-4913
Fax: (212) 446-6460
jserino@kirkland.com

*Attorneys for Defendant
BASF Metals Limited*

Michael Lacovara
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 277-4000
Fax: (212) 277-4001
michael.lacovara@freshfields.com

*Attorneys for Defendant
HSBC Bank USA, N.A.*



Robert G. Houck
CLIFFORD CHANCE US, LLP
31 West 52nd Street
New York, NY 10019
Tel: (212)-878-3224
Fax: (212)-878-8375
robert.houck@cliffordchance.com

*Attorneys for Defendant
ICBC Standard Bank Plc*



Thomas G. Hungar
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 955-8500
Fax: (202) 530-9580
thungar@gibsondunn.com

*Attorneys for Defendants UBS AG
and UBS Securities LLC*

Ethan E. Litwin
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, NY 10004
Tel: (212) 837-6540
Fax: (212) 299-6540
ethan.litwin@hugheshubbard.com

*Attorneys for Defendant
The London Platinum and
Palladium Fixing Company, Ltd.*

SO ORDERED:

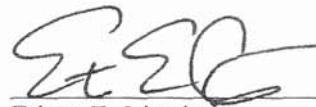
Honorable Gregory H. Woods

U.S.D.J.

Date

Thomas G. Hungar
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 955-8500
Fax: (202) 530-9580
thungar@gibsondunn.com

*Attorneys for Defendants UBS AG
and UBS Securities LLC*



Ethan E. Litwin
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, NY 10004
Tel: (212) 837-6540
Fax: (212) 299-6540
ethan.litwin@hugheshubbard.com

*Attorneys for Defendant
The London Platinum and
Palladium Fixing Company, Ltd.*

SO ORDERED:



Honorable Gregory H. Woods

U.S.D.J.

July 1, 2015

Date

New York, New York